Ex. CC

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Ameriway Corporation

Plaintiff,

v.

May Yan Chen,   **19-cv-09407 (VSB) (VF)**

Ability Customs, Inc.,

Defendants.

DECLARATION OF BRIAN HOWVER

1.   My name is Brian Howver. I am the COO of Pacific Coast Container Inc., d/b/a PCC

Logistics (PCC), whose address is 432 Estudillo Avenue San Leandro, CA 94577.

2.   Attached as Exhibit A is an accurate copy of an email exchange between Ability Customs

Brokers and PCC's former employee, Cyntra Giboney, on January 3, 2013. PCC retrieved the

subject email files from its database, and voluntarily provided them to Plaintiff's counsel on

January 17, 2023. PCC did not modify the original content of the subject emails in any way.

3.   I am familiar with the type of documents and records received, created, and relied upon

by PCC in the ordinary course of its business.

4.   I further certify that the subject emails were made, at or near the time of occurrence of the

matters set forth, by (or from information transmitted by) a person with knowledge of those

matters; such records were kept in the course of a regularly conducted business activity; the

business activity made such records as a regular practice; and if such record is not an original,

such record is a duplicate of the original.

5.   I certify under penalty of perjury that the foregoing is true and correct.

Brian K. Howver

Digitally signed by Brian K.
Howver
DN: cn=Brian K. Howver, o=PCC
LOGISTICS, ou,
email=BHowver@pcclogistics.co
m, c=US
Date: 2023.02.02 17:17:11 -08'00'

SIGNATURE

02/02/2023

DATE

Attachment A

```
Received: from oxmail.registrar-servers.com ([198.187.29.233])
        by mail.pcc.cc (Pcc Mail Server v4.0) with ESMTP id OWU53229
        for <Cyntra@pcc.cc>; Thu, 03 Jan 2013 13:43:29 -0800
Received: from MayStation (adsl-99-68-172-230.dsl.pltn13.sbcglobal.net
[99.68.172.230])
        (using TLSv1 with cipher RC4-MD5 (128/128 bits))
        (No client certificate requested)
        by oxmail.registrar-servers.com (Postfix) with ESMTPSA id
7525E7580D5
        for <Cyntra@pcc.cc>; Thu,  3 Jan 2013 16:43:18 -0500 (EST)
Reply-To: <info@abilitycb.com>
From: "May Chen" <info@abilitycb.com>
To: "'Cyntra'" <Cyntra@pcc.cc>
References: <003501cde9eb$6aac8550$40058ff0$@pcc.cc>
In-Reply-To: <003501cde9eb$6aac8550$40058ff0$@pcc.cc>
Subject: RE: KKFU1526317
Date: Thu, 3 Jan 2013 13:43:20 -0800
Organization: Ability Customs Brokers
Message-ID: <004701cde9fb$59df9360$0d9eba20$@com>
MIME-Version: 1.0
Content-Type: multipart/mixed;
        boundary="----=_NextPart_000_0048_01CDE9B8.4BBC5360"
X-Mailer: Microsoft Office Outlook 12.0
Thread-Index: Ac3p6vv1XHo7WgMRQDiBHmWtsr9PugAEDTYA
Content-Language: en-us

This is a multi-part message in MIME format.

------=_NextPart_000_0048_01CDE9B8.4BBC5360
Content-Type: multipart/related;
        boundary="----=_NextPart_001_0049_01CDE9B8.4BBC5360"


------=_NextPart_001_0049_01CDE9B8.4BBC5360
Content-Type: multipart/alternative;
        boundary="----=_NextPart_002_004A_01CDE9B8.4BBC5360"


------=_NextPart_002_004A_01CDE9B8.4BBC5360
Content-Type: text/plain;
        charset="us-ascii"
Content-Transfer-Encoding: 7bit

Dear Cyntra,


Happy new year! Please find enclosed check copy and please process the
release. The check will send to your office today. Please let me know
if you
```

have any questions.

Best Regards,

May

Ability Customs Brokers

13910 Doolittle Drive

San Leandro, CA 94577

Tel: (510)347-5555

Fax: (510)347-1555

www.abilitycb.com

ability logo small

From: Cyntra [mailto:Cyntra@pcc.cc]
Sent: Thursday, January 03, 2013 11:49 AM
To: info@abilitycb.com
Cc: 'Sharon Wong'; Teeda
Subject: KKFU1526317

May,

Please refer to the attached for the exam charges due thru 1/04.
Please be
sure that your trucker checks on availability before sending the
driver.

Any questions, please let us know.

Regards,

Cyntra Giboney

CES/CET Supervisor

Cell: (510) 773-5919

PCC Logistics

A division of Pacific Coast Container Inc.

2498 West 21st St., Bldg. 808

Oakland, CA 94607 USA

Tel: 510-663-5000 Fax: 510-645-5972

Email: Cyntra@pcc.cc

Customs Dept Email: ces@pcc.cc

Web site: www.pcclogistics.com

Other departments within our location may be contacted at:

Import Phone: (510) 433-1006 Fax: (510) 433-1003, 433-1007

Export Phone: (510) 844-1455 Fax: (510) 645-5971

Trucking Division - Direct Delivery Phone: (510) 433-1875 Fax: (510) 433-1878

------=_NextPart_002_004A_01CDE9B8.4BBC5360
Content-Type: text/html;
        charset="us-ascii"
Content-Transfer-Encoding: quoted-printable

```
<html xmlns:v=3D"urn:schemas-microsoft-com:vml" =
xmlns:o=3D"urn:schemas-microsoft-com:office:office" =
xmlns:w=3D"urn:schemas-microsoft-com:office:word" =
xmlns:m=3D"http://schemas.microsoft.com/office/2004/12/omml" =
xmlns=3D"http://www.w3.org/TR/REC-html40"><head><META =
HTTP-EQUIV=3D"Content-Type" CONTENT=3D"text/html; =
charset=3Dus-ascii"><meta name=3DGenerator content=3D"Microsoft Word
12 =
(filtered medium)"><!--[if !mso]><style>v\:* =
{behavior:url(#default#VML);}
o\:* {behavior:url(#default#VML);}
w\:* {behavior:url(#default#VML);}
..shape {behavior:url(#default#VML);}
</style><![endif]--><style><!--
/* Font Definitions */
@font-face
        {font-family:SimSun;
        panose-1:2 1 6 0 3 1 1 1 1 1;}
@font-face
        {font-family:SimSun;
        panose-1:2 1 6 0 3 1 1 1 1 1;}
@font-face
        {font-family:Calibri;
        panose-1:2 15 5 2 2 2 4 3 2 4;}
@font-face
        {font-family:Tahoma;
        panose-1:2 11 6 4 3 5 4 4 2 4;}
@font-face
        {font-family:"Century Schoolbook";
        panose-1:2 4 6 4 5 5 5 2 3 4;}
@font-face
        {font-family:"\@SimSun";
        panose-1:2 1 6 0 3 1 1 1 1 1;}
@font-face
        {font-family:"MS Serif";}
/* Style Definitions */
p.MsoNormal, li.MsoNormal, div.MsoNormal
        {margin:0in;
        margin-bottom:.0001pt;
        font-size:11.0pt;
        font-family:"Calibri","sans-serif";}
a:link, span.MsoHyperlink
        {mso-style-priority:99;
        color:blue;
        text-decoration:underline;}
a:visited, span.MsoHyperlinkFollowed
        {mso-style-priority:99;
        color:purple;
        text-decoration:underline;}
p.MsoAcetate, li.MsoAcetate, div.MsoAcetate
```

```
        {mso-style-priority:99;
        mso-style-link:"Balloon Text Char";
        margin:0in;
        margin-bottom:.0001pt;
        font-size:8.0pt;
        font-family:"Tahoma","sans-serif";}
span.EmailStyle17
        {mso-style-type:personal;
        font-family:"Calibri","sans-serif";
        color:windowtext;}
span.EmailStyle18
        {mso-style-type:personal-reply;
        font-family:"Calibri","sans-serif";
        color:#1F497D;}
span.BalloonTextChar
        {mso-style-name:"Balloon Text Char";
        mso-style-priority:99;
        mso-style-link:"Balloon Text";
        font-family:"Tahoma","sans-serif";}
..MsoChpDefault
        {mso-style-type:export-only;
        font-size:10.0pt;}
@page WordSection1
        {size:8.5in 11.0in;
        margin:1.0in 1.0in 1.0in 1.0in;}
div.WordSection1
        {page:WordSection1;}
--></style><!--[if gte mso 9]><xml>
<o:shapedefaults v:ext=3D"edit" spidmax=3D"2050" />
</xml><![endif]--><!--[if gte mso 9]><xml>
<o:shapelayout v:ext=3D"edit">
<o:idmap v:ext=3D"edit" data=3D"1" />
</o:shapelayout></xml><![endif]--></head><body lang=3DEN-US
link=3Dblue =
vlink=3Dpurple><div class=3DWordSection1><p class=3DMsoNormal><span =
style=3D'color:#1F497D'>Dear Cyntra,<o:p></o:p></span></p><p =
class=3DMsoNormal><span =
style=3D'color:#1F497D'><o:p> </o:p></span></p><p =
class=3DMsoNormal><span style=3D'color:#1F497D'>Happy new year! Please
=
find enclosed check copy and please process the release. The check
will =
send to your office today. Please let me know if you have any =
questions.<o:p></o:p></span></p><p class=3DMsoNormal><span =
style=3D'color:#1F497D'><o:p> </o:p></span></p><div><p =
class=3DMsoNormal><span =
style=3D'color:#1F497D'><o:p> </o:p></span></p><p =
class=3DMsoNormal><span =
style=3D'color:#1F497D'><o:p> </o:p></span></p><p =
class=3DMsoNormal><b><span =
```